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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,462	01/15/2004	Tadashi Morita	VX032585	5062

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EXAMINER	
DAGER, JONATHAN M	

ART UNIT	PAPER NUMBER
3663	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,462	MORITA ET AL.	
	Examiner	Art Unit	
	JONATHAN M. DAGER	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *5,7,8,10,12 and 14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-4, 6, 9, 11, 13, and 15-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 January 2008 has been entered.

Response to Arguments

Applicant's arguments, see pages 12-14, filed 31 January 2008, with respect to the rejection of claims 1, 16, and 22 under 35 U.S.C. 103(a), have been fully considered and are persuasive due to amendment. The rejection of claims 1, 16, and 22 under 35 U.S.C. 103(a), have been withdrawn.

Applicant's arguments with respect to claims 2-4, 6, 9, 11, 13, 15, 17-21, and 23-26 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6, 9, 11, 13, and 15-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Arakawa (7,283,810).

Regarding claims 1, 3, and 4, Arakawa has disclosed a system and method of construction device management (title, abstract, column 1 lines 13-16).

Each construction machine has a communication terminal mounted on it, and each terminal has a fixed and unique identifier (figure 2 item 56, fig. 31, fig. 16a-d, fig. 17a-c, fig. 27, column 11 lines 58-64, column 29 lines 13-22), and each communication terminal is configured to connect wirelessly to the communication system server (column 18 lines 17-23).

3. Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. See MPEP 2125.

Each vehicle terminal in the workgroup is in operative communication with the managing terminal (abstract, fig. 1). Each management terminal provides associated databases as storage means (column 12 lines 16-19). Databases can be updated by the managing terminal user as to location data (column 15 lines 60-62). Further, fig. 27 clearly shows an update on each terminal's fixed and unique identifier (column 15 lines 50-60). Next, when the management terminal user selects an icon on the screen of the terminal, all detailed information about the vehicle will be retrieved and displayed, Including ownership data (fig. 28, column 15 lines 63-67, column 16 lines 1-6). Further, every time a vehicle is rented, or ownership is switched, an operator updates the storage and dispatch history (column 3 lines 25-30).

Arakawa discloses that the machine terminal communicates via the server with the management terminals at a predetermined period (column 9 lines 44-52), wherein the predetermined period of communication is set, and can be changed by the terminal.

Next, Arakawa discloses that the communication periods enable the users of the management terminal real-time, up to date information regarding ownership/storage of the construction equipment (column 3 lines 57-63).

Additionally, Arakawa discloses an embodiment in which an ownership period can be set. The user's options include setting an asset utilization period in which a start/stop date and/or time can be set, and then issued to the vehicle communication terminal (column 69 lines 4-32).

Lastly, Arakawa discloses that the user of the management terminal can be notified in real time as to the usage of a vehicle (fig. 36, column 64 lines 5-10, 50-67).

Thus, when a rental/ownership period for a client is coming to an end, the management terminal user can be informed (column 56 lines 6-30, column 60 lines 60-67).

Regarding claim 2, Arakawa discloses, in addition to what is cited above, the updated vehicle data in the work report is stored in a database, and can be overwritten when the vehicle is sold (column 70 lines 56-67, column 71 lines 48-67), or ownership transferred. Ownership information includes user name.

Regarding claims 6, 9, 11, and 13, Arakawa discloses that the terminal has position detecting means, and position displaying means (fig. 2, column 13 lines 19-50).

Further, the device of Ankara has disclosed that the server includes a map of the acquired location of the vehicle (fig. 27), as well as means for outputting an alarm condition when the vehicle is outside of a predetermined area in an ownership period (column 39 lines 61-67).

Regarding claim 15, Arakawa discloses that the device includes a means for setting a starting and ending ownership date (column 69 lines 4-19).

Regarding claim 16, Arakawa has disclosed a system and method of construction device management (title, abstract, column 1 lines 13-16).

Each construction machine has a communication terminal mounted on it, and each terminal has a fixed and unique identifier (figure 2 item 56, fig. 31, fig. 16a-d, fig.

17a-c, fig. 27, column 11 lines 58-64, column 29 lines 13-22), and each communication terminal is configured to connect wirelessly to the communication system server (column 18 lines 17-23).

4. Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. See MPEP 2125.

Each vehicle terminal in the workgroup is in operative communication with the managing terminal (abstract, fig. 1). Each management terminal provides associated databases as storage means (column 12 lines 16-19). Databases can be updated by the managing terminal user as to location data (column 15 lines 60-62). Further, fig. 27 clearly shows an update on each terminal's fixed and unique identifier (column 15 lines 50-60). Next, when the management terminal user selects an icon on the screen of the terminal, all detailed information about the vehicle will be retrieved and displayed, Including ownership data (fig. 28, column 15 lines 63-67, column 16 lines 1-6). Further, every time a vehicle is rented, or ownership is switched, an operator updates the storage and dispatch history (column 3 lines 25-30).

Arakawa discloses that the machine terminal communicates via the server with the management terminals at a predetermined period (column 9 lines 44-52), wherein the predetermined period of communication is set, and can be changed by the terminal.

Next, Arakawa discloses that the communication periods provide the users of the management terminal real-time, up to date information regarding ownership/storage of the construction equipment (column 3 lines 57-63).

Additionally, Arakawa discloses an embodiment wherein it is possible to set an ownership period. The user's options include setting an asset utilization period in which a start/stop date and/or time can be set, and then issued to the vehicle communication terminal (column 69 lines 4-32).

Arakawa discloses that the device includes a means for setting a starting and ending ownership date (column 69 lines 4-19).

Lastly, Arakawa discloses that the user of the management terminal can be notified in real time as to the usage of a vehicle (fig. 36, column 64 lines 5-10, 50-67). Thus, when a rental/ownership period for a client is coming to an end, the management terminal user can be informed (column 56 lines 6-30, column 60 lines 60-67).

Regarding claims 18-20, Arakawa discloses storage means wherein the vehicle information can be retrieved and updated (column 15 lines 26-41, lines 60-62).

Regarding claim 21, Arakawa discloses that the terminal has position detecting means, and position displaying means (fig. 2, column 13 lines 19-50).

Further, the device of Ankara has disclosed that the server includes a map of the acquired location of the vehicle (fig. 27), as well as means for outputting an alarm condition when the vehicle is outside of a predetermined area in an ownership period (column 39 lines 61-67).

Regarding claim 22 and 23, Arakawa has disclosed a system and method of construction device management (title, abstract, column 1 lines 13-16).

Each construction machine has a communication terminal mounted on it, and each terminal has a fixed and unique identifier (figure 2 item 56, fig. 31, fig. 16a-d, fig. 17a-c, fig. 27, column 11 lines 58-64, column 29 lines 13-22), and each communication terminal is configured to connect wirelessly to the communication system server (column 18 lines 17-23).

5. Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. See MPEP 2125.

Each vehicle terminal in the workgroup is in operative communication with the managing terminal (abstract, fig. 1). Each management terminal provides associated databases as storage means (column 12 lines 16-19). Databases can be updated by the managing terminal user as to location data (column 15 lines 60-62). Further, fig. 27 clearly shows an update on each terminal's fixed and unique identifier (column 15 lines 50-60). Next, when the management terminal user selects an icon on the screen of the terminal, all detailed information about the vehicle will be retrieved and displayed, Including ownership data (fig. 28, column 15 lines 63-67, column 16 lines 1-6). Further, every time a vehicle is rented, or ownership is switched, an operator updates the storage and dispatch history (column 3 lines 25-30).

Arakawa discloses that the machine terminal communicates via the server with the management terminals at a predetermined period (column 9 lines 44-52), wherein the predetermined period of communication is set, and can be changed by the terminal.

Next, Arakawa discloses that the communication periods enable the users of the management terminal real-time, up to date information regarding ownership/storage of the construction equipment (column 3 lines 57-63).

Additionally, Arakawa discloses an embodiment wherein it is possible to set an ownership period. The user's options include setting an asset utilization period in which a start/stop date and/or time can be set, and then issued to the vehicle communication terminal (column 69 lines 4-32).

Arakawa discloses that the device includes a means for setting a starting and ending ownership date (column 69 lines 4-19).

Lastly, Arakawa discloses that the user of the management terminal can be notified in real time as to the usage of a vehicle (fig. 36, column 64 lines 5-10, 50-67). Thus, when a rental/ownership period for a client is coming to an end, the management terminal user can be informed (column 56 lines 6-30, column 60 lines 60-67).

Regarding claim 24, Arakawa has disclosed that every time a vehicle is rented, or ownership is switched, an operator updates the storage and dispatch history (column 3 lines 25-30) with the relevant new user information.

Regarding claim 25, the disclosed device of Arakawa is capable of overwriting pre-existing machine data (column 15 lines 39-41) while updating user information.

Further, Arakawa discloses that password IDs can be used to identify a new user of a vehicle. Lastly, the information screen can be utilized by the new user to review prior ownership data (column 60 lines 42-60)

Regarding claim 26, Arakawa discloses that the terminal has position detecting means, and position displaying means (fig. 2, column 13 lines 19-50).

Further, the device of Ankara has disclosed that the server includes a map of the acquired location of the vehicle (fig. 27), as well as means for outputting an alarm condition when the vehicle is outside of a predetermined area in an ownership period (column 39 lines 61-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN M. DAGER whose telephone number is (571)270-1332. The examiner can normally be reached on 0830-1800 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan M Dager/
Examiner, Art Unit 3663
25 April 2007

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663